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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,326	03/29/2004	Louie Arthur Dickens	TUC920030125US1	2721
46917 7590 09/06/2007 KONRAD RAYNES & VICTOR, LLP. ATTN: IBM37 315 SOUTH BEVERLY DRIVE, SUITE 210 BEVERLY HILLS, CA 90212			EXAMINER UNELUS, ERNEST	
			ART UNIT 2181	PAPER NUMBER
			MAIL DATE 09/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/812,326

Applicant(s)

DICKENS ET AL.

Examiner

Ernest Unelus

Art Unit

2181

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08/15/07 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

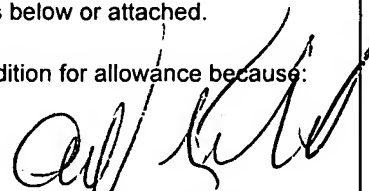
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


ALFORD KINDRED
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that, Grun, the cited reference, does not disclose, "signaling, as part of a diagnostic operation with respect to an Input/Output (I/O) controller, a reconnection inhibitor over a bus to cause the reconnection inhibitor to access the bus to inhibit the I/O controller from accessing the bus; transmitting, as part of the diagnostic operation, by an initiator, I/O requests on the bus to the I/O controller, wherein the I/O requests are queued in an I/O queue, wherein the I/O controller is inhibited by the reconnection inhibitor from draining the queue while the initiator transmits requests to the I/O controller; and performing diagnostic testing of the I/O controller when the I/O queue is at different levels, wherein the level of I/O requests pending in the I/O queue is controlled by the signaling of the reconnection inhibitor".

With respect to "signaling (which also means to select, as discloses by the applicant on page 5, paragraph 0014), as part of a diagnostic operation with respect to an Input/Output (I/O) controller (see col. 10, lines 15-23, which discloses diagnostic primitive operation. As discloses in col. 10, lines 15-23, these diagnostic primitives are to conduct transfer between the initiator and the I/O controllers 24 of fig. 2. Note; the claim language discloses 'as part of', compare to 'to perform'; in other words, the 'signaling' doesn't have to directly related to a diagnostic on the controller), a reconnection inhibitor (Target Channel Adapter 22 of fig. 2) over a bus (see bus connection between the adapter and the I/O controller 24 of fig. 2) to cause the reconnection inhibitor to access the bus to inhibit an Input/Output (I/O) controller from accessing the bus (see col. 11, lines 12-14, which discloses "Upon completion of the transfer, the I/O controller may then send a message to the initiator notifying the initiator that the information transfer has been completed". Therefore, while the channel adapter accepts data from the initiator to the controller, the controller is block from transfer data to the initiator. Indirectly, the adapter blocks the controller from transferring. See also col. 9, lines 52-55 and fig. 2 for further detail. The channel adapter is like a swigging door. In other words, as it accepts data from the initiator, at that very same time, the controller is not draining its queue by transferring data to the initiator. 'Upon completion' of the data transfer from the initiator to the controller, the controller is then transfer a response); and

transmitting, as part of a diagnostic operation, by an initiator, I/O requests on the bus to the I/O controller, wherein the I/O requests are queued in an I/O queue (see col. 11, lines 27-33, which discloses "Prior to receiving a message, such as an I/O service request from an initiator, an I/O controller may allocate buffers to receive those inbound messages. Having allocated one or more message buffers, an I/O controller may then pass pointers to those buffers and thus control of the buffers to a message and data service using a target service interface primitive"); wherein the I/O controller is inhibited by the reconnection inhibitor from draining while the initiator transmits requests to the I/O controller (see col. 9, Lines 52-55 and col. 11, lines 12-14 and fig. 2, which discloses, as the controller uses the target adapter to receive data, it only respond or transfer after it receive, not while it's receiving. The target adapter serves as a kind of blocking device because it can only transfer into or out of the controller at a time, not both at the same time); and performing diagnostic testing of the I/O controller when the I/O queue is at different levels (see col. 10, lines 15-23, which discloses diagnostic primitive operation. As discloses in col. 10, lines 15-33, theses diagnostic primitives are to conduct transfer between the initiator and the I/O controllers 24 of fig. 2. The primitives are done on multiple controllers; therefore, each controller's queue is a different level of queue. See also col. 12, line 62 to col. 13, line 42, which discloses an initial primitive diagnostic of a newly controller or a returning controller that has to go through a reset. Therefore, the initialization of a returning controller will consist of this controller's queue being in a different level compare to when it was first connected to the system. See col. 8, line 55 to col. 9, line 5 for further detail. Also, the queue of a current controller in the system will be at different levels when a newly controller is dynamically added to the system; see col. 13 line 43 to col. 14, line 15), wherein the level of I/O requests pending in the I/O queue is controlled by the signaling of the reconnection inhibitor (as the target channel adapter transfer requests from and to the controller, it's indirectly controlling the queue inside the controller; see fig. 2 and col. 10, lines 24-30).

Similar arguments are apply for the other independent claims, such as 12 and 23..